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10/741,650

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Raymond Whitman JR.

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06/02/2008

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EXAMINER

SMITH, CREIGHTON H

ART UNIT

PAPER NUMBER

2614

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DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                                       |   |  |
|------------------------------|---------------------------------------|---|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/741,650  | <b>Applicant(s)</b><br>WHITMAN, RAYMOND |  |
|                              | <b>Examiner</b><br>Creighton H. Smith | <b>Art Unit</b><br>2614                 |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 APR '08.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6,8-15 and 17-20 is/are pending in the application.
- 4a) Of the above claim(s) 7 and 16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6,8-15 and 17-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>07 MAY '08</u>  | 6) <input type="checkbox"/> Other: _____                          |

Applicant's arguments filed 23 APR '08 have been fully considered but they are not persuasive. Examiner disagrees with applicant's main argument that Parker does not disclose at least one configuration change in a more efficient way. It is true that those exact words are disclosed but close scrutiny of the reference reveals that Parker and applicant's apparatus are the same.

Parker's Fig. 1 shows a Work Force Management System ("WFMS") coupled to Softswitch 110, just as applicant shows in Fig. 6 where FMS 642 is coupled to switch 608. In P.0002 Parker discloses that her WFMS takes call statistics and performs data gathering, analysis, and prediction with the goal of managing the labor force at the call center. Parker also discloses in the same paragraph that the computer system/WFMS will obtain information such as operator attendance, operator efficiency, and operator availability. In P.0026 Parker discloses that WFMS manages the call centers by doing call-volume analysis, call-volume prediction, and producing work schedules for the agents/operators based on the predicted call volume. Some of the various call statistics analyzed by the WFMS are average wait times. Those call statistics are obtained via digital data that are transported on link 102 from switch 110 to WFMS. Applicant's spec discloses the same as Parker in P.0065 where it is stated that "configuration changes are generally not designed to be performed as real-time changes in reaction to demands of call volume." Then applicant goes on to state that the phone switch outputs call handling statistics to the FMS, and the FMS generates outputs such as call volume forecasts, employee staffing requirements, and employee work schedules.

Therefore, Parker does teach configuration changes in an efficient manner. It is to be noted that applicant's phrase "in a more efficient manner" is a relative term.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 5, 6, 8-11, 14, 15, 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parker in view of Marsh et al, U.S. Patent Publication #2002/0159439 or Liljestrand et al, U.S. Patent Publication #2001/0038689.

Parker discloses call centers (130, 140, 160, Fig. 1); a softswitch (110, ¶¶-0021,0022); a force management system (100, Fig.1) that's in communication with softswitch. Call center 160 is shown in Fig. 1 as being located at a remote location from softswitch (110) and being connected over the Internet to softswitch, ¶¶-0022. P7. Parker does not disclose that her softswitch will receive configuration changes. However, Marsh et al and Liljestrand et al do disclose that their softswitches are automatically configurable. Marsh et al disclose in ¶¶-0001 that telecommunications services are dynamically downloadable and in ¶¶-0003 they disclose that upgrades are necessary in order to change the configuration of a switch. In ¶¶-0012 Marsh discloses that the softswitch architecture helps facilitate the implementation of multiple call models that can be downloaded on demand as services are required. The services can be downloaded without a maintenance outage and without restarting the system. Liljestrand et al disclose in ¶¶-0047 a softswitch (160) that will determine what

information needs to be downloaded and automatically perform the download. During normal operation, if there is a change in configuration, softswitch (160) can automatically reconfigure the programmable network interface. To have provided either Marsh's or Liljestrand's teaching of changing the configuration of a softswitch in Parker's softswitch would have been obvious to a person having ordinary because the skilled practitioner in an art such as softswitches would have the teachings of these references readily combinable.

Concerning claims 7 & 8, Parker discloses that one of her work stats is wait time, [0061] and in [0012] Marsh et al disclose that the softswitch architecture can help to facilitate the implementation of "multiple call models" that are downloadable on demand. Multiple call models can include an unlimited possibility of models that anyone might need, including but not limited to work time statistics and grouping of human service agents.

Claims 4, 13 rejected under 35 U.S.C. 103(a) as being unpatentable over Parker in view of Marsh or Liljestrand in view as applied to claim1 above, and further in view of Forbes.

Forbes discloses in Fig. 4 a call center 122 in communication with a VPN 128. col. 7, lines 6-65. To have provided Forbes teaching of using a VPN in Parker's call center would have been obvious to a person having ordinary skill in the call center art.

Claims 3, 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over parker in view of Marsh or Liljestrand as applied to claims 1 & 10 above, and further in view of Booton, U.S. Patent #5991390.

Booton discloses in col. 11, lines 46 et seq. a host computer is programmed to offer a work period to a selected non-operational teleworking agent. When the teleworking agent accepts the computer's 26 'invitation to work', line 55-56, the PBX will record the teleworking agent's identity. To have provided Booton's teaching of extending an invitation to work to a call center agent in Parker's call center would have been obvious to a person having ordinary skill in the art.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication should be directed to Creighton H. Smith at telephone number 571/272-7546.

29 MAY '08

/Creighton H Smith/  
Primary Examiner, Art Unit 2614